

TITLE 12

Parks and Navigable Waters

Chapter 1	Park and Recreation Regulations
Chapter 2	Boating Regulations
Chapter 3	Operation of the Amery Dam

Title 12 ► Chapter 1

Park and Recreation Regulations

12-1-1	Park Regulations
12-1-2	Radio-Controlled Model Airplanes Prohibited in Parks
12-1-3	Turf Protection on Public Property
12-1-4	Park Hours
12-1-5	Ultralight Aircraft Regulated
12-1-6	Reservation of Park Space
12-1-7	Piers from Park Property on Lake Shores
12-1-8	Bulkhead Lines
12-1-9	Swimming Beach Regulations
12-1-10	Michael Riverfront Park Construction

Sec. 12-1-1 Park Regulations.

- (a) **Purpose and Definition.** In order to protect the parks, parkways, recreational facilities and conservancy areas within the City of Amery from injury, damage or desecration, these regulations are enacted. The term "park" as hereinafter used in this Chapter shall include all grounds, structures and watercourses which are or may be located within any area dedicated to the public use as a park, parkway, recreation facility or conservancy district in the City.
- (b) **Specific Regulations.**
- (1) **Littering Prohibited.** No person shall litter, dump or deposit any rubbish, refuse, earth or other material in any park or public waters, except in containers provided for that purpose.
 - (2) **Sound Devices.** No person shall operate or play any amplifying system unless specific authority is first obtained from the City Administrator. Vulgar, boisterous behavior and overly loud music and loud speakers which tend to interfere with the enjoyment of the park by others shall not be permitted.
 - (3) **Pets.** No person shall permit any dog, cat or other pet owned by him/her to run at large in any park. Pets are prohibited in swimming areas and children's playgrounds.
 - (4) **Bill Posting.** No person shall post, paste, fasten, paint or attach any placard, bill, notice, sign or advertising matter upon any structure, tree or other natural object in any park, except park regulations and other signs authorized by the Common Council.

12-1-1

- (5) **Throwing Stones and Missiles Prohibited.** No person shall throw stones or other missiles in or into any park.
- (6) **Removal of Park Equipment Prohibited.** No person shall remove benches, seats, tables or other park equipment from any park.
- (7) **Trapping.** No person shall trap in any park unless specific written authority is first obtained from the Common Council.
- (8) **Making of Fires.** No person shall start, tend or maintain a fire except in personal grills or designated fireplaces. Personal grills shall be used only in designated picnic areas. The use of personal grills is permitted provided lawns and vegetation are not endangered. Unburned fuel and ashes shall be disposed of in such a manner as to prevent fire or damage to any park property.
- (9) **Protection of Park Property.** No person shall kill, injure or disturb or attempt to injure or disturb waterfowl, birds or animals, wild or domestic, within any park, except as permitted by this Chapter. No person shall climb any tree or remove flowers or fruit, wild or cultivated, or break, cut down, trample upon, remove or in any manner injure, deface, write upon or ill use any tree, shrub, flower, flower bed, turf, soil, sand, fountain, ornament, building, structure, apparatus, bench, table, official notice, sign or other property within any park.
- (10) **Motorized Vehicles.** Except for authorized maintenance vehicles, no person shall operate an unlicensed or licensed motorized vehicle outside of areas specifically designated as parking areas or areas where the operation of such vehicles is specifically permitted. Motor vehicles are restricted to the roads and drives and parking areas. No motor vehicles of any nature may be used on the seeded areas except vehicles which have Common Council authorization for shows, rides or exhibits and then only for the purpose of loading and unloading. No person shall operate any off-the-road vehicle, motorcycle, trail bike, all-terrain vehicle, truck or other motorized vehicle in any park, playground or other public ground where pathways or trails have been developed and/or designated for walking, hiking, jogging, running, bicycling, cross-country skiing, sledding or other pedestrian use. All motorized vehicles are limited to use of roadways specifically for their use and according to other restrictions in this Code.
- (11) **Snowmobiles.** Snowmobiling is not permitted in City parks except in designated areas during periods when sufficient snow cover exists.
- (12) **Speed Limit.** No person shall operate any vehicle in a City park in excess of 15 m.p.h. unless otherwise posted.
- (13) **Glass Beverage Bottles in Parks Prohibited.** No person shall bring into, carry onto or possess while in any public park glass bottles or glass containers, including those containing or normally used for containing soda water, fermented malt beverages or alcohol.
- (14) **Reckless Driving in Parks Prohibited.** No person shall operate a motor vehicle in a reckless manner in any of the public parks of the City.

- (15) **Parking in Parks.** No person shall park any motor vehicle in any park in the City except in a designated parking area.
- (16) **Horse and Carriages.** No person shall ride a horse or drive a horse-driven vehicle in any park, except on roads or designated bridle paths, except when approval of the Common Council is first obtained. It shall be unlawful for any person to ride a horse or drive a horse-driven vehicle in a careless, negligent or reckless manner which may endanger the safety and well-being of others. Horseback riding shall be allowed only during the daylight hours. No person shall ride a horse which cannot be held under such control that it may be easily turned or stopped. No horse shall be ridden in a reckless manner. Pedestrians shall have the right-of-way when crossing a bridle path, and whenever groups of people are visible within three hundred (300) feet horses shall be ridden at slow gait.
- (17) **Removing Tree Protectors.** No person shall remove any device for the protection of trees or shrubs.
- (18) **Golfing and Sporting Activities.** No golfing or practicing golf in City parks or recreation areas shall be allowed except with the use of a whiffle ball. All sporting activities must be held in areas so designated for that purpose.
- (19) **Arrows.** No person shall use or shoot any bow and arrow in any City park, except in authorized areas.
- (20) **Fees and Charges.** The Common Council shall have the authority to establish such fees as deemed necessary for use of any park facility, shelter or land area. It shall be unlawful to use such areas without payment of such fee or charge when required.
- (21) **Firearms; Hunting.** Possessing or discharging of any firearm or weapon of any kind is prohibited in all City parks.
- (22) **Fish Cleaning.** Cleaning of fish in shelters, toilet facilities or picnic areas is prohibited in all City parks.
- (23) **Controlled Substances.** Possessing, using or dispensing of a controlled substance in violation of the Uniform Controlled Substances Act is prohibited in all City parks.
- (24) **Camping.** Overnight camping is not permitted in any City park.
- (25) **Commercial Enterprise.** No person shall sell, or offer for sale, any article, thing, privilege or service in any park without prior written permission from the Common Council.
- (26) **Posted Regulations.** In addition to the regulations herein contained and provided, the Common Council may post from time to time specific rules and regulations; and such specific rules and regulations shall be incorporated by reference in to this Chapter as fully as set forth herein.
- (27) **Tampering with Buoys.** Tampering with or disturbing any buoys or markers so placed in any public waters is prohibited.
- (28) **Restrooms and Washrooms.** No person shall fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age

12-1-1

of five (5) years shall use the restrooms and washrooms designated for the opposite sex.

- (29) **Loitering on Equipment Preventing Use.** No loitering is permitted on playground equipment so as to disrupt use by persons waiting to use such equipment.
- (30) **Responsibility for Equipment Damage.** Any person or persons causing any damage to property in the City park shall be punished and/or fined under the appropriate ordinance and be required to make full and complete restitution.
- (31) **Satellite Toilets; dumpsters.** It will be the obligation of civic organizations or other major park users to provide satellite toilets and extra garbage dumpsters during the time of celebrations or special events.
- (32) **Waste Disposal Restrictions.** No person shall dispose of any garbage, bottles, tin cans or any other solid waste material, including demolition material, in any City park where the waste is generated from outside of the City park property.
- (33) **Bicycle Restrictions.** No person shall ride a bicycle or skateboard or rollerblade in a reckless manner or ride in and around any bleacher area or shelter house areas. All bicycles will be placed in bicycle racks when unattended. No bicycles are permitted in any park building whether ridden or parked there for any reason.
- (34) **Picnic Areas.** No person in a park shall leave a picnic area before a fire in the said picnic area is completely extinguished and before all trash, garbage and other refuse in the said picnic area is placed in the disposal receptacles provided for that purpose.

Cross-Reference: Section 11-4-1(a).

Sec. 12-1-2 Radio-Controlled Model Airplanes Prohibited in Parks.

No person shall fly a radio-controlled model airplane or helicopter in any park in the City of Amery except in areas specifically designated and posed for such purpose.

Sec. 12-1-3 Turf Protection on Public Property.

Except as authorized by the Common Council, no person shall dig into the turf of any City-owned park property for any purposes whatsoever or remove any trees or flowers. Absent authorization by the Common Council, the use of metal detectors and digging for buried objects on City park property is prohibited.

Sec. 12-1-4 Park Hours.

- (a) **Park Hours.** All grounds and facilities in the City park system, except the City Beach, shall be closed between 11:00 p.m. and 5:00 a.m. the following day.

- (b) **City Beach Closing Hours.** The "City beach" is defined to be the real property owned by the City located between the shores of South Twin Lake and the two City streets known as Water Avenue and Elm Street West. The City beach shall be closed from 9:00 p.m. to 5:00 a.m. the following day.
- (c) **Exceptions.** The restrictions set forth in Subsection (a) above shall not apply to the following individuals:
 - (1) Individuals who are attending or participating in Council-authorized community celebrations or events held at the park. However, all such individuals exempted by this subparagraph shall be out of the park within one-half (1/2) hour of the end or closing of the celebration or the event for that evening.
 - (2) Individuals or groups who have received permission from the Common Council for any special group activity. The Common Council may by resolution modify closing hours for particular events.
 - (3) Individuals who are law enforcement officers, firefighters, emergency personnel, City employees or City officers who are in the course of their official duties.
 - (4) A vehicle may be driven through a park on a public road.
 - (5) The launching of a watercraft or the loading of a watercraft for purposes of transporting the watercraft to a public road is permitted after closing hours.
- (d) **Park Closing and Opening Dates.** The Common Council may by resolution to open and close any park, beach, swimming area, recreational facility or area because of season, condition, construction or when, in the interest of public safety, it is deemed necessary.

Sec. 12-1-5 Ultralight Aircraft Regulated.

- (a) **Definition.** An ultralight aircraft, vehicle or hang glider is an unpowered or powered aircraft which is not subject to extensive regulation by the Federal Aviation Administration by virtue of its characteristics and which is defined as an ultralight vehicle by 14 C.F.R. Sec. 103.1 and which is defined as an ultralight aircraft by Sec. 114.195, Wis. Stats.
- (b) **Regulations Regarding Use.**
 - (1) No person shall operate any ultralight aircraft within the City in such a manner or in such a location as to endanger or injure any person or property. No person shall operate an ultralight aircraft in the City in violation of any applicable state and federal regulations and standards. No person shall cause an ultralight aircraft to land or to take off from any property without permission of the owner or occupant of said property, provided that an emergency landing may be made to prevent a catastrophe. In the case of landing or taking off from a City public park or other City property, the operator of such ultralight aircraft shall first obtain a permit from the Common Council. No fee shall be charged by the Common Council for such permit which may be issued for a period up to thirty (30) days nor shall the Common Council sponsor such activity.

12-1-5

- (2) Any person desiring to land or to take off from any property owned by the City of Amery shall, prior to receiving a permit, procure evidence of insurance providing for not less than Five Hundred Thousand Dollars (\$500,000.00) of coverage for each occurrence for damage to property or personal injury. Evidence of such insurance shall include a certificate of insurance naming the City of Amery as an additional insured and said certificate shall be filed with the City Administrator at the time the applicant seeks a permit.

Sec. 12-1-6 Reservation of Park Space.

- (a) **Policy on Reservation.** City-owned park and park facilities and shelter areas are primarily for the nonexclusive use of the residents and visitors of the City. However, under proper circumstances, exclusive use of the same or parts thereof may be permitted. This Section is intended to regulate exclusive use of municipally-owned parks, park facilities, park shelters or parts thereof in the City to the end that the general welfare of the City is protected.
- (b) **Reservation of Park Space.** A person or group, firm organization, partnership or corporation may reserve the use of a park facility or a park shelter by written application filed with the City Administrator for a permit for exclusive use of the same. The City Administrator shall issue permits for exclusive use of a portion of a park or park shelter, while the Common Council shall issue permits for the exclusive use of City parks. Park facilities are reserved on a first-requested, first-reserved basis.
- (c) **Application.** Applications shall be filed with the City Administrator at least fourteen (14) days prior to the date on which the exclusive use of the entire park is requested, or at least three (3) days prior to the date on which a park shelter or a portion of a park is to be used, and shall set forth the following information regarding the proposed exclusive use:
 - (1) The name, address and telephone number of the applicant.
 - (2) If the exclusive use is proposed for a group, firm, organization, partnership or corporation, the name, address and telephone number of the headquarters of the same and the responsible and authorized heads or partners of the same.
 - (3) The name, address and telephone number of the person who will be responsible for the use of the said park, area or facility.
 - (4) The date when the exclusive use is requested and the hours of the proposed exclusive date.
 - (5) The anticipated number of persons to use the said park, area or facility.
 - (6) Any additional information which the Common Council or City Administrator finds reasonably necessary to a fair determination as to whether a permit should be issued.
- (d) **Deposit.** All applicants for reservation of park space or shelters for which a permit is required shall pay a deposit as prescribed in Section 1-3-1 to pay for the City's maintenance and cleanup expenses.

- (e) **Action on Application.** The Common Council shall act promptly on all applications for permits for exclusive park use (not shelter use) after consulting with the applicant, if necessary.
- (f) **Reasons for Denial.** Applicants may be denied for any of the following reasons:
 - (1) If it is for a use which would involve a violation of Federal or State law or any provision of this Code.
 - (2) If the granting of the permit would conflict with another permit already granted or for which application is already pending.
 - (3) If the application does not contain the information required by Subsection (c) above.
 - (4) The application is made less than the required days in advance of the scheduled exclusive use.
 - (5) If it is for a use of the park or park facility at a date and time when, in addition to the proposed use, anticipated nonexclusive use by others of the park or park facility is expected and would be seriously adversely affected.
 - (6) If the law enforcement requirements of the exclusive use will require so large a number of persons as to prevent adequate law enforcement to the park, park facility or shelter area involved or of the rest of the City.
 - (7) The exclusive use will reasonably create a substantial risk of injury to persons or damage to property.
 - (8) The exclusive use is so poorly organized that participants are likely to engage in aggressive or destructive activity.
- (g) **Indemnification.** Prior to granting any permit for exclusive use of the park, the City may require the permittee to file evidence of good and sufficient sureties, insurance in force or other evidence of adequate financial responsibility, running to the City and such other third parties as may be injured or damaged, in an amount depending upon the likelihood of injury or damage as a direct and proximate result of the exclusive use sufficient to indemnify the City and such third parties as may be injured or damaged thereby, caused by the permittee, its agents or participants.
- (h) **Permit Not Required For City Activity.** A permit is not required for exclusive use of the park or a park facility sponsored by the City.
- (i) **Permit Revocation.** The Common Council, Mayor, City Administrator and/or Chief of Police after granting a permit may revoke a permit already issued if it is deemed that such action is justified by an actual or potential emergency due to weather, fire, riot, other catastrophe or likelihood of a breach of the peace or by a major change in the conditions forming the basis of the issuance of the permit.
- (j) **Form of Permit.** Each permit shall be in a form prescribed by the Common Council and shall designate the park, park facility or shelter area involved, date, hours of the exclusive use, purpose of the exclusive use and the name of the person, group, firm, organization, partnership or corporation to which the permit is issued.
- (k) **Class B Fermented Malt Beverage Licenses.** When fermented malt beverages are sold at any event authorized by this Section, a valid Fermented Malt Beverage license shall be

12-1-6

obtained and the provisions of Sections 7-2-11 and 11-4-1 shall be fully complied with. Said license must be held by the person who filed the original license and shall be presented to any law enforcement officer upon request.

Sec. 12-1-7 Piers from Park Property on Lake Shores.

- (a) No person shall construct, build, erect, or maintain any pier, or boat hoist into the waters of the different lakes and rivers under the jurisdiction of the City extending from the shoreline of any park or other public area owned or controlled by the City unless specific authority for the construction of such pier or boat hoist has first been granted by the Committee on Public Welfare.
- (b) Any such pier or boat hoist erected or maintained as above described, without prior authority by the Committee on Public Welfare shall be subject to removal upon ten (10) days' written notice given by said Committee to either the person who has erected such pier or boat hoist or who maintains or uses said structure or claims ownership thereof, or in case such owner or user cannot be found, by attaching such written notice to such pier or boat hoist. In case of the failure to remove such structure, any such person shall be subject to a forfeiture under Section 1-1-7 for each offense, and shall also be liable at the suit of the City for the cost of removal.

Sec. 12-1-8 Bulkhead Lines.

- (a) That the bulkhead line of that part of the shore of North Twin Lake is established and determined as set forth in the following description:

A line in Government Lot Seven (7), Section Twenty-nine (29), Township Thirty-three (33) North, Range Sixteen (16) West, from the Northeast (NE) corner of Lot Twenty-four (24) of the Plat of Arlington Heights in The City of Amery; run thence South 30° 30' East 380 feet along the West line of Arlington Boulevard; thence South 24° 13' West 153.51 feet to the point of beginning of the bulkhead line to be described; thence South 43° 04' West 182.05 feet; thence South 52° 13' West 108.18 feet; thence South 50° 44' West 277.85 feet; thence North 4° 16' West 187.10 feet; thence North 57° 44' West 277.85 feet; thence North 4° 16' West 187.10 feet; thence North 57° 04' West 225.84 feet; thence North 69° 33' West 155.00 feet, to a point where the ordinary high water mark of North Twin Lake becomes very well defined on the ground.

- (b) That the bulkhead line of that part of the shore of Apple River, is established and determined as set forth in the following descriptions:

Bulkhead line to begin at a point on the centerline of Lot Thirteen (13), Knollwood Addition to City of Amery extended East a distance of 50 feet from the East line of said Lot Thirteen (13), and running thence North 35° 40' East a distance of 385 feet to terminate on existing shoreline.

Sec. 12-1-9 Swimming Beach Regulations.

- (a) **Beach Property Defined and Hours.** See Section 12-1-4.
- (b) **Alcohol Beverages.** No person may possess or consume fermented malt beverages or intoxicating liquor on the swimming beach property.
- (c) **Smoking, Chewing of Tobacco.** No person may smoke or chew tobacco products on the swimming beach property. "Smoking" means to carry a lighted cigar, cigarette, pipe or any other lighted smoking equipment. Chewing tobacco products means the chewing of any tobacco products.
- (d) **Unattended Child Eleven Years of Age or Younger.** A child eleven (11) years of age or younger is not permitted on the beach property unless supervised by a person at least twelve (12) years of age.
- (e) **Use at Own Risk.** When City lifeguards are off-duty, a person swims at his or her own risk.

Cross-Section: Section 12-1-4.

Sec. 12-1-10 Michael Riverfront Park Construction.

- (a) **Purpose.**
- (1) The City has acquired real estate for a riverfront park ("Michael Riverfront Park") along the west side of the Apple River from the Cattail Trail, extending south to Central, and continuing south thereafter to the adjoining lands currently owned by Equity Cooperative of Amery; and
 - (2) The Council has decided to make certain improvements to said land for the purposes of public park use; and
 - (3) The City is capable of performing much of the necessary construction work for said improvements directly by City employees.
- (b) **Authorization of City Work.**
- (1) Pursuant to Sec. 62.15(1), Wis. Stats., public construction at the riverfront park as described above, may be done directly by the City, without submitting the same for

12-1-10

bids, for the full extent that City employees are available, qualified and capable of performing said construction.

- (2) Other aspects of the construction project, for materials or other subcontracting, shall be subject to public bidding, in the manner and to the extent required by law.

Title 12 ► Chapter 2

Boating Regulations

12-2-1 City of Amery and Town of Lincoln Joint Boating Regulations

Sec. 12-2-1 City of Amery and Town of Lincoln Joint Boating Regulations.

- (a) **Applicability and Enforcement.**
 - (1) The provisions of this Section shall apply to the waters of South Twin Lake, North Twin Lake, and Pike Lake.
 - (2) This Section shall be enforced by the officers of the water safety patrol of the Town of Lincoln and City of Amery and Polk County.
- (b) **Intent.** The intent of this Section is to provide safe and healthful conditions for the enjoyment of aquatic recreation consistent with public rights and interests, and the capability of the water resources.
- (c) **State Boating and Safety Laws Adopted.** State boating laws as found in Secs. 30.50 to 30.71, Wis. Stats., are adopted by reference.
- (d) **No Wake Areas.**
 - (1) No person shall operate a boat in the following area at a speed faster than "Slow – No Wake", as defined in Sec. 30.50(12), Wis. Stats., as defined in Sec. 30.50(12), Wis. Stats., as "that speed at which a boat moves as slowly as possible while still maintaining steerage control". Said "No Wake" areas are:
 - a. The thoroughfare between north Twin and Pike Lake.
 - b. South Twin Lake.
 - (2) The area designated in Subsection (d)(1)a above will be indicated by buoys placed at each end of the restricted area.
- (e) **Water Skiing Restriction.** No person may operate a motor boat towing a person or persons on water skis, aquaplane, or similar device, and no person may operate water skis, aquaplane, or similar device on the waters of North Twin Lake and Pike Lake, unless such operation is in a counter-clockwise motion.
- (f) **Markers and Navigational Aids.** The City of Amery shall place and maintain suitable markers and signs in such waters as shall be appropriate to advise the public of the provisions of this Section and post and maintain a copy of this Section at all public access points within the jurisdiction of the Township and City.

- (g) **Penalties.** Wisconsin state boating penalties as found in Sec. 30.80, Wis. Stats., are adopted by reference.
- (h) **Severability.** The provisions of this Section shall be deemed severable and it is expressly declared that the Town Board and City would have passed the other provisions of this Section irrespective of whether or not one or more provisions may be declared invalid. If any provision of this Section or the application to any person or circumstances is held invalid, the remainder of the Section and the application of such provisions to other persons or circumstances shall not be affected.

Title 12 ► Chapter 3

Operation of the Amery Dam

12-3-1 Operation and Maintenance of the Amery Dam

Sec. 12-3-1 Operation and Maintenance of the Amery Dam.

- (a) **Purpose.** The purpose of this Section is to create a policy and procedure for the operation and maintenance of the Amery Dam in the City of Amery, on the Apple River, in conjunction with the Town of Lincoln, all in accordance with an existing agreement between the City of Amery and Town of Lincoln entitled "A Municipal Method of Proceeding and Plan of Apportionment Pursuant to Wisconsin Statute 31.28 for the City of Amery and Township of Lincoln, both municipalities of the State of Wisconsin" that was signed on September 12, 1974.
- (b) **Dam Plan Adoption.** The City of Amery hereby approves and adopts that document known as "Operation and Maintenance Plan for Amery Dam, located on the Apple River" dated May 31, 1989, as prepared by City Engineer Francis Ogden as the City policy and procedure for the operation and maintenance of the Amery Dam. Said plan is adopted by reference herein, and as may be amended from time to time. Said plan shall constitute a public record.

